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9 UNITED STATES BANKRUPTCY COURT  
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11 NORTHERN DISTRICT OF CALIFORNIA SAN JOSE DIVISION  
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13 Frank Le and Cindy Le ) Case No.: 08-51470- RLE  
14 )  
15 ) Debtors, ) Chapter 7  
16 )  
17 )  
18 Trac N. Vu ) Adversary No 08-05176 RLE  
19 )  
20 ) Plaintiff, ) CASE MANAGEMENT CONFERENCE  
21 )  
22 Vs. ) STATEMENT  
23 )  
24 Frank Le and Cindy Le ) June 25, 2009  
25 )  
26 ) Time: 2:30 p.m.  
27 )  
28 )

29 To the Honorable Robert Efremsky:

30 Plaintiff and defendants jointly submit this Case Management Conference Statement as  
31 follows.

32 A. Jurisdiction and Venue: Defendants – Debtors filed for protection under chapter 7  
33 with this court in 2008. In June 2008, Plaintiff filed an objection and complaint.  
34 The action and omission underlying this complaint arose in the County of Santa  
35 Clare, which lies within the jurisdiction of this court and in the venue of San Jose  
36 Division.

37 CASE MANAGEMENT CONFERENCE STATEMENT  
38

B. Background: The gravamen of Plaintiff's claim is that the defendants fraudulently induced him in investing in their business and in lending them, altogether approximately \$500,000. (five hundred thousands U.S. dollars), where they enriched themselves. Plaintiff filed an action in the Superior Court of State of California, County of Santa Clara in 2005 for breach of contract and fraud, among other things. The court awarded Plaintiff a default judgment against defendants, jointly and severally, in the amount of \$560,682.00, plus punitive damages of \$100,000.00 against each of the defendants. Plaintiff's position that the debt is non-dischargeable. Debtors disagree – since the underlying judgment was a default, there was no proof of fraud or otherwise.

C. Defendants deny the claim and assert that the debt is totally dischargeable. Debtors believe that the adversary action was filed mainly to thwart the Debtors' bankruptcy discharge.

D. Discovery: Discovery cutoff date is September 30, 2009. Debtors have provided Plaintiff TRAC VU with all documents in their possession.

E. Further Proceeding: Plaintiff proposes to file a motion for summary judgment motion.

F. Bankruptcy Rule 7008 and 7012(b): Plaintiff's position is that Rule 7008 and Rule 7012(b) apply.

## G. Trial Estimate: 2 days

H. Case Management Conference: Counsel for Plaintiff and Defendants conferred on June 15, 2009 by phone, and email.

I. Plaintiff and Defendants are amenable to the Bankruptcy Dispute Resolution Program. However, no date has been set by the designated mediator. Plaintiff will follow up with the mediator for possible dates.

## CASE MANAGEMENT CONFERENCE STATEMENT

1 Date: June 15, 2009  
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/s/ Hien D. Doan, Esq.  
4 Hien D. Doan, Esq.

/s/ Paul Bick Nguyen  
5 Paul Bick Nguyen  
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CASE MANAGEMENT CONFERENCE STATEMENT

**PROOF OF SERVICE**

I, Kevin Lee, declare under penalty of perjury that the following facts are true and correct.

I am a citizen of the United States, over the age of 18 years, and not a party to the entitled action. I provide administrative services at the law offices of HIEN DUC DOAN, 626 International Boulevard, Oakland, CA 94606.

On 6/6, 2009, I served the following:

## CMC STATEMENT

on all interested parties in said cause, be delivering a true copy as follows:

[X] (By Mail) I placed a true copy thereof enclosed in a sealed envelope with postage thereon fully prepared. I deposited said envelope in the United States Mail in or near the city of Oakland, CA.

[ ] (By Hand) I placed a true copy thereof enclosed in a sealed envelope. I caused such envelope to be delivered to the offices of the addressee.

[ ] (By Facsimile) I sent a true copy thereof via telephone facsimile transmission to the following number(s) and a hard copy to follow by mail.

Each envelope, if applicable, was addressed as follows:

Paul Bick Nguyen, Esq.

**Attorney at Law**

480 N. First Street, Suite 100  
San Jose, CA 95112

Executed on June 11, 2009, at or near Oakland, CA.

~~Kevin Lee~~